IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 08th day of March 2006

Criminal Misc. Bail Application No. 128 of 2006.

Order on the bail application of accused

CRIMINAL SIDE

Siraj Khan alias Raju
S/o Sri Qamruzzama Khan
R/o Nepal Gunj, Nepal
At present R/o Khari Gali
Dharchula, P.S. Dharchula
District Pithoragarh .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No. 128 of 2005
U/s 363, 366, 376 I.P.C.
P.S. Dharchula
District – Pithoragarh

Hon'ble J. C. S. Rawat, J.

Heard Sri I. S. Mehra learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. Medical report and the birth certificate filed by the applicant shows that the victim was more than 16 years of age at the time of incident. It was also contended that the statement recorded under section 164 Cr.P.C. clearly shows that she was a consenting party. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 08.03.2006

LSR